plaintiffs having stifled prosecution against them for offenses for which they might have been convicted, cannot recover money paid to procure suppression of such prosecutions. *Scott et al* v. *O'Hara et al.* (Ky. 1912) 150 S. W. 63.

The court applied the well-known rule that where parties are *in pari delicto* the courts will deny relief. CARROLL, J., in a dissenting opinion, argued that plaintiff should be allowed to recover because the defendants had used a court of justice to extort money from plaintiffs and that the threat of prosecution under such circumstances is duress. Some courts have sustained this view, even though the prosecution would have been lawful. *Insurance Co.* v. *Kirkpatrick, Dunn & Co.,* 11 Ala. 456, 20 So. 651; *Bryant* v. *Peck & Whipple & Co.,* 154 Mass. 460, 28 N. E. 678; *Adams* v. *Irving National Bk.,* 116 N. Y. 606, 23 N. E. 7; *Gorringe* v. *Reed,* 23 Utah 120, 90 Am. St. Rep. 692. For other cases see note in 20 L. R. A. (N. S.) 484. Under the facts of the principal case a court might have applied a well-known exception to the general rule, viz., that even if parties are *in pari delicto* courts will grant relief where public policy requires intervention. *Pratt* v. *Short,* 79 N. Y. 437, 35 Am. Rep. 531; *Lester* v. *Howard Bank,* 33 Md. 558, 3 Am. Rep. 211.

CORPORATIONS—STREET RAILWAYS—RIGHTS AFTER EXPIRATION OF FRANCHISE.—When a street railway company's franchise in a street has expired, its right to occupy and use the street then ceases, the city can compel it to remove its property from the street, though the company would yet continue to own the rails and other operating appliances and would have a reasonable time after notice in which to remove such property. *City of Detroit* v. *Detroit United Railway Co.* (Mich. 1912) 137 N. W. 645. For a discussion of the principles involved, see NOTE AND COMMENT, p. 243, ante.

DAMAGES—PHYSICAL INJURIES RECEIVED FROM FRIGHT WITHOUT CONTEMPORANEOUS BODILY INJURY.—Plaintiff and her husband had just alighted from a buggy in which they were travelling with their children, when the defendant's negligent operation of his automobile caused the team to run away with the buggy containing plaintiff's children. Because of the danger to her children, plaintiff became greatly frightened, from which physical injuries resulted. Defendant demurred to the declaration on the ground that it failed to disclose an actual injury to the plaintiff's person, reputation, or estate, so as to furnish a legal support of a claim for damages. *Held,* the demurrer was properly overruled, as no contemporaneous bodily injury is necessary to support a legal claim for damages received from fright. *Spearman* v *.McCrary* (Ala. 1912) 58 So. 927.

This is the first time that the above question has been authoritatively passed upon by the Alabama courts, though in *Engle* v. *Simmons,* 148 Ala. 92, 41 So. 1023, an action for damages growing out of a trespass, the court held that physical injuries received from fright are not too remote but are the proximate result of the wrongful act. The principal case adds another State to the list of those which hold that contemporaneous bodily injury is not necessary to a recovery of damages for physical injuries received from fright. The

numerical weight of authority is still *contra* to this holding. The courts which deny recovery under a similar statement of facts do not however, require that bodily injury must consist of a bruise, wound, or physical pain but mere impact seems to be sufficient, even if such impact is indirect. On this point see *Traction Co.* v. *Lambertson,* 59 N. J. L. 297, 36 Atl. 100; *Buchanan* v. *West Jersey R. R. Co.,* 52 N. J. L. 265, 19 Atl. 254; *Warren* v. *Boston R. R. Co.,* 163 Mass. 484; *Driscoll* v. *Gaffey,* 207 Mass. 102, 92 N. E. 1010; *Hess* v. *Mfg. Co.,* 221 Pa. St. 67, 70 Atl. 294. For a discussion on the question involved in the principal case see 8 MICH. L. REV. 44; 5 COL. L. REV. 179; 12 A. & E. ANN. CASES, 741.

DEEDS—RESTRAINTS ON ALIENATION,—VALIDITY.—B, a married woman, received land under a grant, for her sole and separate estate, with right of disposal by will, "but without power to mortgage or otherwise incumber, or to sell or convey the same during her life." A statute of Kentucky, in existence when the conveyance was made, gave married women the right to convey or devise their separate estates unless forbidden by the instrument under which such estates were acquired. B contracted to sell the land to defendant C who then refused to perform because B could not give a good title. *Held,* that B had a fee and could sell during her life, and that C must perform, for the restraint on her right to alienate the land given her was void as unreasonable. *Cropper* v. *Bowles* (Ky. 1912) 150 S. W. 380.

As a general proposition, when an estate is given to one in fee, restrictions against alienation are void as against public policy. 13 CYC. 687; 2 TIFFANY, REAL PROPERTY, 1135; *Murray* v. *Green,* 64 Cal. 363; *Munroe* v. *Hall,* 97 N. C. 206; *Miller* v. *Denny,* 99 Ky. 53; *Booker* v. *Booker,* 104 N. Y. S. 21; *Diamond* v. *Rotan,* 124 S. W. 196; *Pritchard* v. *Baily,* 113 N. C. 521; *Teany* v. *Mains,* 113 Ia. 53; *Latimer* v. *Waddell,* 119 N. C. 370. There is an exception to this general rule, that there may be a restriction placed on the alienation of property granted, if it be reasonable. 13 CYC. 687; *Munroe* v. *Hall,* 97 N. C. 206. For example, a condition that the grantee shall not alienate for a particular time, or to a particular person, is good. *Langdon* v. *Ingram's Guardian,* 28 Ind. 360. Or a restriction is good if for the life of any person in existence at the time of the grant. *M'Williams* v. *Nisly,* 2 Serg. & R. 507. Also a condition, where husband and wife were grantees in equal parts, that the wife should not sell or incumber her half, was held good in *Hicks* v. *Cochran,* 4 Edw. Ch. 107. Finally, a restraint on alienation may be imposed in granting the separate estate of a married woman, especially where the estate is an equitable one. 13 CYC. 687; 2 PERRY, TRUSTS, §§ 670-1; 2 TIFFANY, REAL PROPERTY, 1138; *Camp* v. *Cleary,* 76 Va. 143. Under the Kentucky statute cited in the principal case it is impossible to see how the restraint can be judged unreasonable, for to hold it reasonable would be merely to carry out the exact wording of the statute, for the provision against alienation by Mrs. B during her life was contained in the grant to her. The cases cited by the court, *Stewart* v. *Brady,* 3 Bush. 623, and *Harkness* v. *Lisle,* 132 Ky. 767, while they discuss the general rule against alienation, do not touch on the exception of married women's estates.